



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET:

In re Application of:) Conf. No.: 8216
David WALLACH et al)
Appln. No.: 08/981,559)
Filed: April 13, 1998)
For: TNF MODULATION) June 17, 2003

REQUEST FOR REFUND

Director of the U.S. Patent and Trademark Office
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop 16
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

On July 8, 2002, applicants filed a petition to vacate holding of abandonment with respect to the above-identified application. The last paragraph of the petition stated that the Patent and Trademark Office had already charged the credit card of the undersigned for all applicable fees with respect to the Brief on Behalf of Appellant that had been timely filed but misplaced by the PTO. Also accompanying the petition were pages 1 and 5 of the USPTO Revenue Accounting and Management System Credit Card Transactions showing that the Browdy and Neimark credit card account was charged on March 13, 2002, for the \$920.00 fee for the extensions of time for filing the appeal brief and \$320.00 for the appeal brief fee. The only authorized charges to the deposit

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In re of Appln. No. 08/981,559

account of the undersigned related to a petition fee, if it was deemed necessary for consideration of the petition even though it was necessitated by an error on the part of the PTO.

On July 31, 2002, the Monthly Statement of Deposit Account of the undersigned showed that the Deposit Account had been charged twice on July 10, 2002, for application 08/981,559, i.e., \$920.00 (old fee code 117 -- extension for response within third month) and \$320.00 (old fee code 120 -- filing a brief in support of an appeal). Clearly these charges are in error.

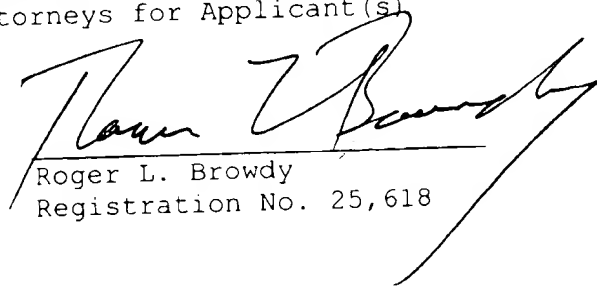
Attached hereto is a copy of applicants' petition with the relevant portions on pages 2 and 3 highlighted and copies of pages 1 and 5 of the USPTO Revenue Accounting and Management System Credit Card Transactions with the relevant charges highlighted.

The undersigned hereby requests that the refund due in the amount of \$1,240.00 be credited to deposit account no. 02-4035 rather than being refunded by check.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By


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